REMARKS

Claims 1-3, 6, 8 and 10-39 were rejected and remain pending. Reconsideration and allowance are respectfully requested.

Claim Rejections – 35 USC § 103

Claims 1-3, 6, 8 and 10-39 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,826,552 to Grosser et al. ("Grosser"). This rejection is respectfully traversed and reconsideration is requested.

Claim 1

Claim 1 is directed to an automated method for referring a prospective customer to automobile dealers. The customer is prompted to enter information about the customer. A database is queried using this information. The database contains information about the identity and location of automobile dealers and about prior contacts between the customer and these dealers, including the type of each prior contact (e.g., a sales inquiry, a vehicle purchase, a part purchase, vehicle service, etc.). Two or more dealers with whom the customer had different types of prior contacts are located. Information about at least one of the located dealers is provided to the customer, giving preference to the dealer(s) with whom the customer had prior contacts of one type.

As explained in the specification, automated customer referral systems usually respond to customer inquiries by referring the customer to the dealers that are closest to the customer. *See* ¶ [0010]. The invention of claim 1 is markedly different. The automated system consults a database of contact information that contains information, not only about the existence of contacts between the inquiring customer and dealers. but about the type of each contact. The automated system then makes a referral giving preference to contacts of a particular type.

For example, an inquiring customer may be closest to dealer A, and then to dealer B, and then to dealer C. The inquiring customer may have had no prior contact with dealer A, may have purchased a replacement part from dealer B, and may have met a new car salesman at dealer C. The automated system may be programmed to give preference to sales contacts over part purchases. Thus, the automated system would make a referral giving preference to dealer C. The

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preference could be manifested by recommending only dealer C, by listing dealer C first, or by other approaches.

In short, the invention of claim 1 makes use of customer contact data from multiple dealers in a new and highly innovative way to increase the effectiveness of automated referrals.

Grosser also discloses an automated referral system. Beyond this, however, Grosser is totally unlike the invention of claim 1. It in no way renders the invention of claim 1 obvious. Applicant has carefully studied the Examiner's discussion of Grosser and the reasons he offers relating to his 103 rejection, both in the "Claims Rejections" section of the Office Action and the "Response to Arguments" section. However, Applicant respectfully submits that these stated reasons do not demonstrate that the invention of claim 1 was obvious and will now explain why.

The portion of Grosser that is cited and discussed by the Examiner allows a user to specify a geographic area within which the user is willing to purchase a car. *See* Col. 28, lines 57-63. Other search criteria may also be entered by the user. The user may then choose a specific dealer from a list that meets the search criteria from whom the user is willing to purchase the car. *See* Col. 28, lines 59-60. The user's search queries and other values that the user enters may be saved for reuse. *See* Col. 29, lines 14-18.

Substantially unlike the invention of claim 1, however, Grosser does not query a database of information about prior contacts between the user and dealers, let alone information about the type of each contact. Grosser also does not give preference to prior contacts of one particular type that the user had with dealers.

The Examiner does not appear to dispute the failure of Grosser to teach each of these fundamental steps of the invention of claim 1. Instead, the Examiner offers reasons which the Examiner contends demonstrate that these substantial differences are merely obvious differences. Applicant respectfully disagrees and will now explain why.

First, the Examiner has not cited any other reference that discloses the fundamental steps of claim 1 that are missing from Grosser. A claim should not be rejected as obvious when fundamental steps in the claim are not shown to have been disclosed anywhere in the prior art.

Second, and with due respect for the Examiner, the reasons that are stated do not demonstrate that the differences between claim 1 and Grosser were obvious differences.

The Examiner states in the "Claim Rejections" section of the Office Action:

It would have been obvious to save this information [information from previous searches] for future use in case the customer re-uses the system for another car so that the customer could buy from a dealer the customer liked or not buy from a dealer that the customer didn't like, especially as the information includes "values" (col. 29, lines 43-44) . . . ."

Applicant respectfully submits that whether this step was obvious is <u>irrelevant</u> to whether claim 1 was obvious in view of Grosser. Even if it was obvious for a user to have saved his likes and dislikes of specific dealers, this in no way, shape or form rendered it obvious to have modified the system of Grosser to make referrals based on the type of prior contacts that the user had with different dealers. The fact that Grosser stored "values" is also <u>irrelevant</u>. These "values" did not include prior contacts that the user had with dealers, let alone the type of these prior contacts. To be sure, neither the queries nor the hits that result from them represent "prior contacts . . . between the prospective customer and dealers," as required by claim 1. Similarly, a user's likes and dislikes are not types of contacts, as also required by claim 1. As explained in the specification, examples of contact types are vehicle purchases, parts purchases, and vehicle service. *See, e.g.,* ¶ [0015]. The fact that it may have been obvious to have made referrals based on whether the user liked the dealer, therefore, is not the same as making referrals giving preference to one type of prior contact as opposed to another.

Indeed, Grosser actually <u>teaches away</u> from the invention of claim 1. Claim 1 is directed to an automated system that uses internal intelligence – an algorithm relating to contacts -- to derive the identify of dealers to whom an inquiring customer should be referred. The cited embodiment of Grosser, on the other hand, appears not to utilize any internal intelligence. Instead, it asks the user to specify the criteria that is of interest to the user (e.g., geographic distance) and teaches to dutifully searches its database for matching hits.

In short, Applicant respectfully submits that the tremendous differences between claim 1 and Grosser were not obvious. No other art is applied which discloses these missing steps and no reasons have been offered which credibly demonstrate that these tremendous difference were obvious.

Claim 23

Claim 23 is similar to claim 1 in that it makes referrals giving preference to dealers that had a prior contact with the customer over dealers that might be closer to the customer. Again, this core feature of claim 23 is nowhere disclosed in or suggested by Grosser. And again, Applicant respectfully submits that the fact that Grosser might store a customer's preference for one dealer over another does not demonstrate that the substantial difference between claim 23 and Grosser were obvious differences.

Claim 20

Claim 20 is direct to a system that performs steps similar to those recited in claim 1. It too is not obvious in view of Grosser for reasons similar to those discussed above in connection with claim 1.

Applicant notes that the Examiner offers a reason for the obviousness of claim 20 that is different from the reasons offered in connection with claim 1. Specifically, the Examiner states that it would have been obvious to have included the type of contact in Grosser's database "in case the user had forgotten the type of contact. This is merely providing information as a reminder of information the user already knows but might not remember."

In fact, there are dozens of different types of information that a user knows about dealers he visits and might not remember, such as their names, their addresses, the persons with whom the customer spoke, whether their prices were reasonable, whether they were friendly, whether they were knowledgeable, when the customer visited, etc. But why would any user care to remember these details enough to take the time to enter them all into a database? No answer to this critical question is provided by the Examiner. And why would it also have been obvious to have designed such a system to have also given preference to one type of dealer contact over another in making referrals? Again, no reason is offered by the Examiner.

Claims 2, 3, 24 and 25

These claims are dependent upon claim 1 or 23 and thus are also patentable in view of Grosser for the reasons stated above.

Claims 6 and 33

These claims are dependent upon claim 1 or 23 and thus are also patentable in view of Grosser for the reasons stated above.

Claim 6 also requires the prior contact to which a preference is given to have been a selling relationship. Again, this feature is nowhere disclosed in or suggested by Grosser. Applicant also disagrees that such a missing step was obvious. Just because a user might have had an opinion about a particular dealer, as urged by the Examiner, does not explain why it was obvious to have made automated referrals by giving preference to prior contacts that involved a selling relationship, as opposed to other types of prior relationships.

Claim 8

This claim is dependent upon claim 1 and is also patentable in view of Grosser for the reasons stated above.

This claim also requires that a prior service relationship be given a lower preference. Again, this feature is nowhere disclosed in or suggested by Grosser. Applicant also disagrees that such a missing step was obvious. Just because different people might be involved in the different types of contacts that a user had with various dealers or that the user may have liked or disliked them, as urged by the Examiner, does not explain why it was obvious to have made automated referrals by giving lower preference to prior contacts that involved a service relationship, as opposed to other types of prior relationships.

Claims 10 and 28

These claims are dependent upon claim 1 or 23 and thus are also patentable in view of Grosser for the reasons stated above.

Claims 11 and 29

These claims are dependent upon claim 1 or 23 and thus are also patentable in view of Grosser for the reasons stated above.

Claims 12 and 30

These claims are dependent upon claim 1 or 23 and thus are also patentable in view of Grosser for the reasons stated above.

These claims also require the results to be divided into different sets, each listing dealers that had a particular type of contact with the user. The feature is also missing from Grosser, and the Examiner provides no explanation as to why this difference was obvious.

Claims 13 and 31

These claims are dependent upon claim 1 or 23 and thus are also patentable in view of Grosser for the reasons stated above.

Claims 14 and 32

These claims are dependent upon claim 1 or 23 and thus are also patentable in view of Grosser for the reasons stated above.

Claim 15

This claim is dependent upon claim and thus is also patentable in view of Grosser for the reasons stated above.

Claims 16 and 34

These claims are dependent upon claim 1 or 23 and thus are also patentable in view of Grosser for the reasons stated above.

Claims 17 and 35

These claims are dependent upon claim 1 or 23 and thus are also patentable in view of Grosser for the reasons stated above.

Claims 18, 19, 36, 37 and 39

Claims 18, 19, 36 and 37 are dependent upon claim 1 or 23 and thus are also patentable in view of Grosser for the reasons stated above.

These claims also require preference to be given to a contact having the most recent date when contacts of the same type with different dealers are located. This feature is also missing from Grosser, and none of the reasons offered by the Examiner explain why this was merely an obvious difference. The Examiner first states that the most recent dealers are the ones that the customer has shown an interest in. This is not true, the customer also showned an interest in the

dealers with more vintage contacts. The Examiner also states that it would have been obvious to allow the user to have many or few contacts. This is irrelevant to whether it would have been obvious to have given preference to the most recent contacts.

Claim 39 is directed to a system for referring a prospective customer to one or more sellers that gives preference to sellers with whom the customer had a prior contact, even when other sellers are closer to the buyer. The Examiner does not explain how this independent claim reads on Grosser. To be sure, Grosser does not disclose such a system. Also, the fact that a customer might be interested in dealer with whom it had a contact, as noted by the Examiner, does not explain why it would have been obvious to have modified Grosser to have given preference to sellers with whom the customer had a prior contact, even when other sellers are closer to the buyer. As admitted by the Examiner, that prior contact could have provided a negative experience. This indication of customer interest also could be outweighed by the convenience of going to a closer dealer.

Claim 21

This claim is dependent upon claim 20 and thus is also patentable in view of Grosser for the reasons stated above.

Claim 22

This claim is dependent upon claim 20 and thus is also patentable in view of Grosser for the reasons stated above.

Claim 26

This claim is dependent upon claim 23 and thus is also patentable in view of Grosser for the reasons stated above.

Claims 27 and 38

Claim 27 is dependent upon claim 23 and thus is also patentable in view of Grosser for the reasons stated above in connection with claim 23.

Claim 27 also require preference to be given to contacts of a particular type. The Examiner does not contend that this feature is disclosed in Grosser, nor does the Examiner

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explain why this difference from Grosser was obvious. Thus, a prima facie rejection of this claim has not been established.

Claim 38 is directed to a system for referring a prospective customer to one or more sellers which gives preference to contacts of a particular type. The Examiner does not expressly contend that any its feature are disclosed in Grosser, nor does the Examiner explain why this system is otherwise obvious in view of Grosser. The fact that it may have been obvious to group contacts appears to be irrelevant.

Conclusion

For the foregoing reasons, Applicant respectfully submits that this Amendment places this application in condition for allowance and early notice of the same is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account s501946 and please credit any excess fees to such deposit account.

Respectfully submitted,

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